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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

JUN 21 2005

JUN 22 2005

DOCKETED BY



AZ Corporation Commission
Director Of Utilities

IN THE MATTER OF THE APPLICATION OF
KEVIN KNUTSON DBA ORANGE COUNTY
TELECOM FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
CUSTOMER-OWNED PAY TELEPHONE
SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-04284A-04-0771

DECISION NO. 67950

ORDER

Open Meeting
June 14 and 15, 2005
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On October 27, 2004, Kevin Knutson dba Orange County Telecom ("Applicant") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

2. In Decision No. 55817 (December 10, 1987), the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

3. In Decision No. 57797 (April 8, 1992), the Commission adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

4. Decision No. 58535 (February 14, 1994) adopted a Generic Tariff that establishes rates and minimum service standards applicable to COPT service.

5. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

6. Applicant has requested that a Certificate be granted and has indicated that it will

1 provide COPT service pursuant to the rates, terms and conditions specified in the Generic COPT Tariff.

2 7. Applicant has payphone locations and submitted certification that it posted the
3 required Notice of Application at its payphone locations.

4 8. On February 23, 2005, the Commission's Utilities Division Staff ("Staff") filed a Staff
5 Report recommending approval of the application without a hearing.

6 9. Staff stated that the Applicant has provided a copy of its customer information placard
7 in compliance with the Generic Tariff.

8 10. Staff also stated that increased pay telephone availability is in the public interest.

9 11. On April 1, 2005, Ray Odom dba Payphone Network of Arizona ("PNA") filed a
10 Motion to Intervene ("Motion") alleging that Applicant provided false information on its application,
11 failed to provide proper identification of ownership for several of its payphones, and removed PNA
12 equipment without express permission to do so.

13 12. By Procedural Order dated April 12, 2005, PNA was granted intervention and a
14 procedural conference was set for May 2, 2005 to discuss the allegations contained in PNA's Motion.

15 13. The procedural conference was held as scheduled on May 2, 2005. Staff and Mr.
16 Knutson appeared. Mr. Odom did not enter an appearance.

17 14. Staff indicated on the record that it had undertaken limited investigations into Mr.
18 Odom's allegations and based upon that information, continues to recommend approval of the
19 application.

20 CONCLUSIONS OF LAW

21 1. Applicant is a public service corporation within the meaning of Article XV of the
22 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

23 2. The Commission has jurisdiction over Applicant and the subject matter of the
24 application.

25 3. The provision of COPT service in Arizona by Applicant is in the public interest.

26 4. Applicant is a fit and proper entity to receive a Certificate for providing COPT service
27 in Arizona.

28 5. Staff's recommendation in Findings of Fact No. 8 is reasonable and should be

1 adopted.

2 **ORDER**

3 IT IS THEREFORE ORDERED that the Application of Kevin Knutson dba Orange County
4 Telecom for a Certificate of Convenience and Necessity for authority to provide customer-owned pay
5 telephone service in Arizona shall be, and the same is, hereby granted.

6 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

7 BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

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10 CHAIRMAN

COMMISSIONER

COMMISSIONER

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12
13 COMMISSIONER

COMMISSIONER

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15 IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive
16 Secretary of the Arizona Corporation Commission, have
17 hereunto set my hand and caused the official seal of the
Commission to be affixed at the Capitol, in the City of Phoenix,
this 21st day of June, 2005.

18
19 BRIAN C. McNEIL
EXECUTIVE SECRETARY

20
21 DISSENT _____

22 DISSENT _____

23 AP:mj

SERVICE LIST FOR:

KEVIN KNUTSON DBA ORANGE COUNTY
TELECOM

DOCKET NO:

T-04284A-04-0771

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